

REMARKS

In response to the Office Action dated November 12 2009, Applicants are submitting herewith this amendment. Claims 42-82 are pending in the application, and Claims 64-80 and 82 were previously withdrawn from consideration. In the Office Action, Claims 42, 46, 54, 55, 57, 58, 62, 63 and 81 are rejected under 35 U.S.C. §112. Claims 42-63 and 81 are rejected under 35 U.S.C. §103. Claims 42, 46, 54-63 and 81 are amended herein. Claims 83-86 are newly added. A Request for Continued Examination is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for the RCE fee, and for any other fees which are due and owing.

The Office Action alleges that, although Claims 42, 46, 54, 55, 57, 58, 62, 63 and 81 use “means for” language, the “means for” provision of 35 U.S.C. §112, sixth paragraph has not been properly invoked. Each of these claims has been amended to refer to “units,” to be consistent with other elements of the independent claims. As such, as presently presented, the claims do not include “means for” language, and thus are not intended to invoke 35 U.S.C. §112, sixth paragraph.

In the Office Action, Claims 42-45, 47-52, 56 and 62 are rejected under 35 U.S.C. §103(a) as being unpatentable over International Patent Publication No. WO 00/14819 to Chizawa et al. (“*Chizawa*”) in view of U.S. Publication No. 2002/0028364 to Kaufmann (“*Kaufmann*”). Of the rejected claims, Claim 42 is the sole independent claim. Claim 42 has been amended to recite, at least in part, a power generation unit provided with a conduit for an oxidant gas containing at least oxygen; a heat radiation unit connected to a first side of said power generation unit so as to radiate heat from said power generation unit; a gas flow unit configured to suck said oxidant gas into a first intake port disposed on a second side of said power generation unit; and a cooling unit configured to suck said oxidant gas into a second intake port disposed on the second side said power generation unit and adjacent to said first intake port, wherein said cooling unit is driven independently of said gas flow unit so as to cool said heat radiation unit; wherein said electronic apparatus is driven by being supplied with electric power from said fuel cell system. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that *Chizawa* fails to disclose each and every element of the present claims.

The Office Action relies on Fig. 9 of *Chizawa* for disclosing the claimed first and second intake ports and their positional relationships to the claimed gas flow unit and cooling unit. In particular, the Office Action states that: “[i]t can be interpreted that the openings defined by the radiation fins [56] constitute a composite second intake port (on the power generation unit, as it is attached to the fuel cell stack [9]), wherein, as such a place is near that of the first intake port (rectangular unlabeled sections, in Fig. 9), that the composite second intake is adjacent to the first intake port, barring specification as to what constitutes adjacent.” (See, Office Action, pg. 8). In response, Applicants have amended each of the independent Claims 41 and 81 to further detail the structural and positional relationships between the claimed elements.

Chizawa fails to disclose or suggest a heat radiation unit connected to a first side of said power generation unit so as to radiate heat from said power generation unit; a gas flow unit configured to suck said oxidant gas into a first intake port disposed on a second side of said power generation unit; and a cooling unit configured to suck said oxidant gas into a second intake port disposed on the second side said power generation unit and adjacent to said first intake port, as recited in amended Claims 41 and 81. In contrast, the heat fins 16 (which the Office Action relies on for disclosing the claimed second intake port) shown in Fig. 9 of *Chizawa* are on different sides than the unlabeled rectangular openings (which the Office Action relies on for disclosing the claimed first intake port). As such, the air flow paths adjacent to the heat fins 16 are not the same as in the presently claimed invention. For at least the reasons above, *Chizawa* fails to disclose or suggest each of the presently claimed elements of Claim 41. The secondary *Kaufmann* reference is merely relied on for alleged disclosure of gas flow means where the oxidant gas is sucked, and thus fails to cure the deficiencies of *Chizawa*, even assuming that the references are properly combinable.

Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejection of Claims 42-45, 47-52, 56 and 62 over *Chizawa* and *Kaufmann* be withdrawn.

In the Office Action, Claims 46, 54, and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chizawa* in view of *Kaufmann* and further in view of U.S. Patent No. 6,277,508 B1 to Reiser et al. (“*Reiser*”). The Patent Office relies on *Reiser* merely for the disclosure of a water suction means that suctions and removes water from the conduit and discharging water from an in-plane conduit via a pressure difference between the supply and discharge sides. For at least the reasons discussed above with regard to

Chizawa, and even if combinable, *Reiser* fails to remedy the deficiencies of *Chizawa* with respect to Claims 46 and 54-55.

Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejection of Claims 46, 54, and 55 over *Chizawa* and *Kaufmann* and *Reiser* be withdrawn.

In the Office Action, Claim 53 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Chizawa* in view of *Kaufmann* in further view of U.S. Patent Publication No. 2001/0019793 to Tsuyoshi ("*Tsuyoshi*"). Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest each and every element of Claim 53. The Patent Office relies on *Tsuyoshi* merely for the disclosure of a connecting portion to the supply passage which is smaller than a connecting portion to the discharge passage. For at least the reasons discussed above with regard to *Chizawa*, and even if combinable, *Tsuyoshi* fails to remedy the deficiencies of *Chizawa* with respect to Claim 53.

Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejection of Claim 53 over *Chizawa* and *Kaufmann* and *Tsuyoshi* be withdrawn.

In the Office Action, Claims 57-61 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chizawa* in view of *Kaufmann* in further view of U.S. Patent Publication No. 2002/0180448 to Imamura et al. ("*Imamura*") and U.S. Patent Publication No. 2002/0168556 to Leboe et al. ("*Leboe*"). Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest each and every element of Claims 57-61. The Patent Office relies on *Imamura* merely for the disclosure of a control system which reads environmental conditions such as humidity and temperature and adjusts the water content properly. The Patent Office further relies on *Leboe* merely for the disclosure of controlling the amount of cooling to maintain the desired temperature range of a fuel cell. As such, for at least the reasons discussed above with regard to *Chizawa*, and even if combinable, *Imamura* and *Leboe* fail to remedy the deficiencies of *Chizawa* with respect to Claims 57-61.

Accordingly, Applicants respectfully request that the rejection of Claims 57-61 under 35 U.S.C. §103(a) to *Chizawa*, *Imamura* and *Leboe* be withdrawn.

In the Office Action, Claims 63 and 81 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chizawa* in view of *Kaufmann* in further view of U.S. Patent Publication No. 2002/0051898 to Moulthrop, Jr. et al. ("*Moulthrop*"). Applicants respectfully submit that, even

if combinable, the cited references fail to disclose or suggest each and every element of Claims 63 and 81. The Patent Office relies on *Moulthrop* merely for the disclosure of a pressure control means for regulating the pressure of the supply fuel and using the fuel cell to supply power to an electronic apparatus. For at least the reasons discussed above with regard to *Chizawa*, and even if combinable, *Moulthrop* fails to remedy the deficiencies of *Chizawa* with respect to Claims 63 and 81.

Accordingly, Applicants respectfully request that the rejection of Claims 63 and 81 under 35 U.S.C. §103(a) to *Chizawa* and *Moulthrop* be withdrawn.

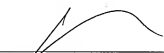
In addition, Applicants respectfully submit that the new dependent Claims 83-86 are allowable over the art of record for at least the reasons discussed above, and for the additional elements recited therein.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

K&L GATES LLP

BY



Thomas C. Basso
Reg. No. 46,541
Customer No. 29175

Date: February 11, 2010